

REMARKS / ARGUMENTS

Reconsideration of the application is requested.

Claims 1-10 and 15-24 remain in the application. Claims 5, 7, 19, and 21 have been amended. Claims 11-14 have been cancelled.

In deference to the requirements in the section entitled "Drawings" on pages 2-3 of the above-identified Office action, the drawings have been amended to overcome all the alleged deficiencies.

In item 5 on pages 3-4 of the above-identified Office action, claims 5 and 19 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

More specifically, the Examiner has stated that the specification does not describe any features of the so-called "latching opening" or "latching rib."

The latching opening 4 and the latching rib or web 10 are described on page 7, line 26 and page 8, line 14 of the specification and clearly shown in Figs. 1 and 3 of the drawings.

In item 7 on page 4 of the above-identified Office action, claims 5, 7, 19, and 21 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that in claims 7 and 21 it is not clear as to how the latching device is integrally formed on the surface of one of the half shells for connection to an inner wall of a cavity.

The language of the claims has been amended to even more clearly define the invention of the instant application and overcome the alleged deficiency.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art

nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 9 on page 5 of the above-mentioned Office action, claims 1-2, 4, 7-10, 15-16, 18, and 21-24 have been rejected as being anticipated by Miura et al. (US Pat. No. 4,369,608) under 35 U.S.C. § 102(b).

In item 10 on pages 5-6 of the above-mentioned Office action, claims 1-4, 6-10, 15-18, and 20-24 have been rejected as being anticipated by Hull et al. (US Pat. No. 5,419,606) under 35 U.S.C. § 102(b).

In item 12 on pages 6-7 of the above-mentioned Office action, claims 1-4, 6-10, 15-18, and 20-24 have been rejected as being unpatentable over Hull et al. in view of Steward et al. (US Pat. No. 4,211,590) or Tusim et al. (US Pat. No. 6,213,540 B1) or Doerer (US Pat. No. 4,330,584) or Wycech (US Pat. No. 6,287,666 B1) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

a retaining device having two separately produced half-shells, one of said half-shells having an inner contour, said half-shells being latched to one another using a latching device with said half-shells disposed at a distance from one another forming an interspace between said half-shells except at said inner contour; and

a heat-expansible element constructed as a contoured ring-like plate with an inner circumference substantially corresponding to said inner contour, said heat-expansible element being retained in said interspace.

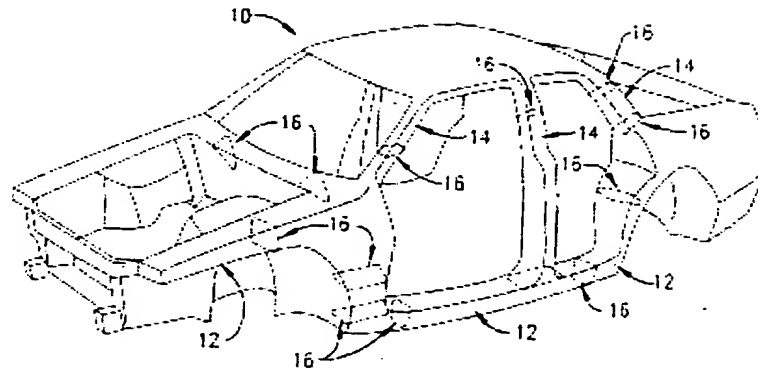
Claim 15 calls for, inter alia:

a retaining device to be positioned in the cross-section of the cavity, said retaining device having two separately produced half-shells, one of said half-shells having an inner contour, said half-shells being latched to one another using a latching device with said half-shells disposed at a distance from one another forming an interspace between said half-shells except at said inner contour; and

a heat-expansible element constructed as a contoured ring-like plate with an outer circumference substantially corresponding to the cross-section of the cavity and with an inner circumference substantially corresponding to said inner contour, said heat-expansible element being retained in said interspace.

The invention of the instant application relates to a device for separating or sealing cavities, in particular cavities of various pillars, engine rails and side body tubular structures which represent body cavities of a car. It is desirable to insert sealing or baffle devices into such cavities, which

effectively seal the respective cavities against moisture, noise, and particular materials. A body shell of a car is illustrated in the figure below, showing the positions 16 where such sealing devices or baffles of the invention of the instant application are placed, for example, in the pillars 14. These sealing devices are also frequently inserted into the tubular cavities 12 of the rocker panel or in the cavity 12 of the front end of the car or below a windshield opening. These sealing devices or baffles are inserted perpendicularly to the longitudinal extension of these cavities. The sealing devices according to the invention of the instant application are inserted into the car cavities in the factory. At this point, the expansible shaped element (8) as shown in Figs. 2 and 4 of the drawings of the instant application is unexpanded, but expandable. In the further course of the manufacturing process of the car, the car body is subjected to heat after the electro coat bath for curing the electro coat deposited onto the car body. The heat also serves to expand the peripheral expandable material of the sealing devices of the invention of the instant application. After the expansion, the expandable material of the sealing devices is in close contact, preferably in direct adhesion with the inner walls of the sealed cavities of the car body.



Miura et al. disclose a strengthening or stiffening device where the strengthening or the reinforcing member is made of a thermosetting resin which totally surrounds a core material of a foamed polyethylene (see column 1, lines 49-50 and column 2, lines 49-68). This has nothing in common with the invention of the instant application: Miura et al. neither disclose a heat expandable material nor teach a carrier having latching devices for the expandable material.

Hull et al. disclose a vehicle door assembly of an inner door attached to a trim panel with a plurality of pins of specific configuration. Such a reinforcing interior door assembly has nothing in common with the sealing device of the invention of the instant application. The only connection could be found from the latching feature of the fixing of the pins as shown in Fig. 2 of Hull et al. However, Fig. 2 of Hull et al. shows how the pin 18 connects the trim panel 16 to the inner door panel 20 (see column 3, lines 9-21). The inner door panel 20

of Hull et al. may be compared with the inner wall (12) of the cavity according to the invention of the instant application, but definitely not the first half-shell (1) (compare Fig. 4 of the instant application with Fig. 2 of Hull et al.: the inner door panel 20 of Hull et al. has a hole 40 while the inner wall (12) of the invention of the instant application has an opening (13)). Therefore, in Hull et al. there is only one half-shell 16.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 15. Claims 1 and 15 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 15, they are believed to be patentable as well.

Applicants acknowledge the Examiner's statement in item 13 on page 8 of the above-mentioned Office action that claims 5 and 19 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, first paragraph and to include all of the limitations of the base claim and any intervening claims.

Since claims 1 and 15 are believed to be patentable as discussed above and claims 5 and 19 are dependent on claims 1 and 15 respectively, they are believed to be patentable in

dependent form. A rewrite is therefore believed to be unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1-10 and 15-24 are solicited.

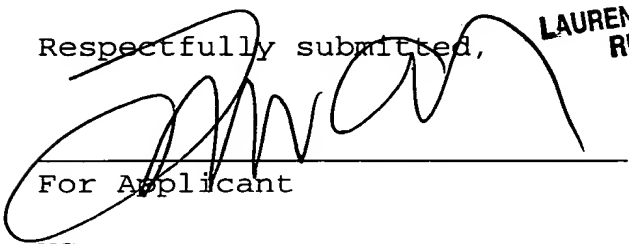
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to

the Deposit Account of Lerner and Greenberg, P.A., No. 12-
1099.

Respectfully submitted,

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For Applicant

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March 12, 2004

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